

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
JAZLYN COLON, :
:
Plaintiff, :
-v- : 22-CV-0433 (JMF)
:
OLD REPUBLIC INSURANCE COMPANY et al, : ORDER
:
Defendants. :
:
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JESSE M. FURMAN, United States District Judge:

On February 11, 2022, this action was removed from the Supreme Court of New York, Bronx County, by Defendants Old Republic Insurance Company, Raiser-NY, LLC, Uber Technologies, Inc., and Uber USA, LLC (the “Removing Defendants”). *See* ECF No. 4 (“Notice of Removal”) ¶ 3. Removing Defendants assert that jurisdiction in this Court is proper by reason of diversity of citizenship, pursuant to 28 U.S.C. § 1332. *See id.* ¶ 5. Old Republic alleges that it is a citizen of Pennsylvania and Illinois, Raiser alleges that it is a citizen of Delaware and California, and Uber alleges that it is a citizen of Delaware and California. *Id.* Removing Defendants further allege that Allstate Insurance Company is a citizen of Illinois, and that Liberty Mutual Insurance Company is a citizen of Massachusetts. *Id.* at ¶ 6. Finally, the notice of removal alleges that Plaintiff Jazlyn Colon is a citizen of New York. *Id.* at ¶ 5.

It is well established that a limited liability company (“LLC”) is deemed to be a citizen of each state of which its members are citizens. *See, e.g., Handelman v. Bedford Vill. Assocs. L.P.*, 213 F.3d 48, 51-52 (2d Cir. 2000). Thus, a notice of removal premised upon diversity of citizenship must allege the citizenship of natural persons who are members of an LLC and the place of incorporation and principal place of business of any corporate entities that are members

of the LLC. *See id.*; *see also, e.g., In re Bank of Am. Corp. Sec., Derivatives, and ERISA Litig.*, 757 F. Supp. 2d 260, 334 n.17 (S.D.N.Y. 2010); *Lewis v. Allied Bronze LLC*, No. 07 Civ. 1621 (BMC), 2007 WL 1299251, at *1-2 (E.D.N.Y. May 2, 2007) (remanding removed action for lack of diversity jurisdiction). In the present case, the Notice of Removal fails to do so with respect to Riaser-NY, LLC, and Uber USA, LLC.

Accordingly, it is hereby ORDERED that, **on or before April 22, 2022**, Removing Defendants shall **amend their Notice of Removal** to allege the citizenship of each constituent person or entity comprising the Defendant LLCs (including the state of incorporation and principal place of business of any corporate entity member). If, by that date, Removing Defendants are unable to amend their Notice of Removal to truthfully allege complete diversity of citizenship, then the action will be remanded to the Supreme Court of New York, Bronx County, without further notice to either party.

Finally, Defendants are directed to, **within two business days of this Order**, serve on Plaintiff a copy of this Order and to file proof of such service on the docket. Counsel for Plaintiff is directed to file a notice of appearance on the docket **within two business days of such service**.

SO ORDERED.

Dated: April 13, 2022
New York, New York



JESSE M. FURMAN
United States District Judge